United Nations A/C.1/51/PV.21

General Assembly
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*Official Records*

First Committee
21st Meeting
Wednesday, 13 November 1996, 10 a.m.
New York

*Chairman*: Mr. Sychou ..... (Belarus)

*The meeting was called to order at 10.15 a.m.*

**The Chairman**: Before turning to the item on our agenda, I call on the representative of Canada, who has asked to make a statement.

**Mr. Moher** (Canada): I should like to thank the Chairman for giving me a few minutes to comment on a matter related to the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

The States signatories that were present at yesterday's meeting will recall that the meeting adjourned with our undertaking to seek a negotiated solution to a particular matter. I am pleased to report to those States that yesterday afternoon an open-ended drafting group was able to meet and find a solution. I hope, therefore, that the problem is behind us.

The coordinator also undertook the task of seeing if time could be found this week for another meeting of States signatories, with interpretation. I have been informed that there is no time available for such a meeting during First Committee time. Secondly, the earliest possibility for the meeting, with interpretation — and this is just a possibility — would be Friday afternoon.

I wish to point out to representatives that we can continue to try to find a time for a meeting of States signatories, with interpretation, but that it would not be before Friday afternoon or Monday at the earliest — if possible. The alternative would be to hold the meeting earlier, but without interpretation.

I should like to put that question to delegations and ask them for their views on that matter. Frankly, if no one approaches us to request a meeting of States signatories, we will have no further meetings and merely go forward with the schedule next week.

Lastly, one of the documents that we wanted to submit to all States signatories yesterday concerns the outcome of the work done on the provisional budget. The Secretariat has undertaken to distribute copies of that document to all delegations, and I urge them to obtain one, so that their authorities in their respective capitals will have an opportunity to examine the document before next week.

**Agenda items 60, 61 and 63-81** (continued)

**Action on draft resolutions submitted on all disarmament and international security agenda items**

**The Chairman**: This morning, the Committee will proceed to take action on the draft resolutions contained in clusters 3, 1, 4, 5, 6, 7 and 8 — namely, draft resolutions A/C.1/51/L.35, A/C.1/51/L.40, A/C.1/51/L.4/Rev.1 and A/C.1/51/L.37.

The Committee will now proceed to take a decision on draft resolutions contained in cluster 3 — namely, draft resolutions A/C.1/51/L.35 and A/C.1/51/L.40.

I will now call on those delegations wishing to make general statements on draft resolutions contained in cluster 3.

96-86792 (E)

This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

**Mr. Moradi** (Iran): I have asked to speak to make a brief statement on the draft resolution contained in document A/C.1/51/L.46 on "An international agreement to ban anti-personnel landmines". The Islamic Republic of Iran, as a country affected by millions of landmines, in principle supports this draft resolution or any other genuine initiative to deal effectively with this category of weapon, which does not discriminate between military personnel or civilians. However, we would have preferred to see draft resolution A/C.1/51/L.46 recognize the following concepts: first, that the legitimate or responsible use of landmines is acceptable as long as an international agreement to ban such weapons is not in place or viable alternatives have not been developed; secondly, with regard to demining, that efforts aimed at the global prohibition of anti-personnel landmines should be accompanied by genuine efforts to render technical and financial assistance to countries affected by mines; and thirdly, in terms of transparency, that an effective and legally binding international agreement to ban anti-personnel landmines should be negotiated in the most transparent manner and in the most appropriate forums possible. Finally, as regards the scope of a future treaty, our support for an international agreement to ban anti-personnel landmines and for this particular draft resolution is guided by the understanding that such an agreement should be comprehensive in nature and prohibits all types of anti-personnel landmines, without exception.

**Mr. N'Dry** (Côte d'Ivoire) (*interpretation from French*): As I am speaking for the first time during our Committee's proceedings, my delegation would like to extend to you, Sir, our warm congratulations on your election as Chairman of the First Committee.

West Africa, the region to which Côte d'Ivoire belongs, has been facing growing insecurity for a few years. This phenomenon is, of course, exacerbated by the many internal conflicts that have broken out in parts of the region, but also, and especially, by the illicit traffic in small arms in this African subregion. This traffic redounds badly on the development of our States. My country has recently taken vigorous measures to arrest the organized crime that is besetting our land. But my Government remains convinced that only concerted action with other States in the subregion and the international community can put an end to this scourge. Therefore, Côte d'Ivoire fully supports draft resolution A/C.1/51/L.35, introduced by Mali, and we hope that, as at the last session, it will enjoy the unanimous support of all members of our Committee.

With respect to mines, my country's position is unequivocal. Côte d'Ivoire would support any action by the international community aimed at reducing or suppressing any category of weapon of mass destruction. In this regard, my delegation welcomes the adoption this year of the amended Protocol II on mines of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or To Have Indiscriminate Effects. We also support the draft resolution A/C.1/51/L.46, introduced by the United States of America, aimed at the adoption of an international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines.

**Mr. Inderfurth** (United States of America): At yesterday's meeting, we postponed action on draft resolution A/C.1/51/L.46 on landmines because we had just learned that the Cuban delegation had submitted some amendments. Both amendments, in our view, one preambular and one operative, address the inherent right of States to self-defence. On the surface, these are attractive amendments because they speak to a principle on which we all agree, namely the right to protect ourselves against aggression. As the chief sponsor of the draft resolution, however, I should like to outline the reasons why we cannot support either of these amendments and why we will urge all the members of the Committee also to withhold support.

First, it goes without saying that the international community should take into account certain principles of international law, including the right of self-defence, when negotiating an international agreement. As the proposed amendments note, this particular principle is enshrined in Article 51 of the Charter of the United Nations and thus guides all of the work done by this body. We need not restate that principle in this or any other resolution. Nor, might I add, do we need to restate other principles contained in the Charter of the United Nations, including the admonition to Member States to save succeeding generations from the scourge of war, which this draft resolution is addressed to as well.

In short, the amendments proposed by the Cuban delegation are unnecessary and would likely establish a precedent whereby such language is included in all First Committee resolutions, including those concerned with nuclear and conventional disarmament.

Secondly, the amendments, if adopted, would upset the balance of this draft resolution, shifting the emphasis in favour of military concerns at the expense of humanitarian considerations. Through this draft resolution, the

international community is acknowledging that the effects of anti-personnel landmines are so abhorrent and so inhumane that we are willing to begin work on an international agreement to ban these weapons, although we all recognize that this will take some time. Therefore, to suggest that security considerations should take precedence in all instances is inappropriate and has no place in this draft resolution.

Thirdly, it is wholly inappropriate to force Governments to revisit issues already addressed and agreed upon in the Charter of the United Nations. In short, we do not and should not attempt to reopen principles of the Charter. These principles exist; they are recognized, and that should be it.

Finally, it should also be noted that a decision to eliminate or otherwise restrict a particular means of warfare is not, and I repeat, not inconsistent with the inherent right of self-defence. At Saint Petersburg in the 1860s, dumdum bullets were outlawed. In Geneva in the 1920s, the use of poison gases was outlawed. Neither of these actions or any other aspect of humanitarian law is inconsistent with the inherent right of self-defence. So what do we do? It is clear that the international community, particularly the more than 100 sponsors of this draft resolution, wants to move forward and address the humanitarian tragedy caused by anti-personnel landmines, while many of us continue to work through our respective security concerns.

Following yesterday's First Committee meeting, we convened a meeting of the sponsors to discuss the proposed amendments and the current state of play. At the meeting, the sponsors unanimously agreed to pursue a no-action motion on the amendments, and we therefore urge all delegations, particularly the 112 sponsors of this draft resolution, to support a motion to take no action on the Cuban amendments.

**Mr. Parnohadiningrat** (Indonesia): My delegation would like to express briefly its views on the draft resolution on an international agreement to ban anti-personnel landmines, as contained in document A/C.1/51/L.46. The gravity of the problems attendant on mines and related devices has long been self-evident. Considering that thousands of people across the planet were killed or maimed last year alone by anti-personnel landmines, and that more than 100 million landmines remain uncleared in more than 60 countries, it would seem that a humanitarian tragedy of unimaginable dimensions is in the making. Further compounding the situation is the fact that 20 times more mines have been laid than removed. The use of landmines is not a static problem but one that has continued to grow. In 1995, when 100,000 landmines were removed, another 2 million were laid.

Indonesia fully recognizes the immense harm and destruction that anti-personnel landmines have caused, affecting virtually all aspects of peoples' lives. Consequently, landmines have emerged as a global dilemma of vast proportions. Indonesia therefore welcomes the decisions by several States to impose a moratorium on the production, export or use of these weapons.

At the same time, we realize that the questions raised by an intergovernmental agreement to ban the use, production and transfer of anti-personnel landmines are complex, as they involve technical, financial, and, especially, political, security and administrative issues. A matter of such importance and magnitude calls for caution and circumspection, as it impinges on the right to legitimate self-defence, which is recognized in numerous international instruments dealing with the elimination of armaments. Thus, while we are fully aware of the destructive consequences of anti-personnel landmines, especially on civilians, and while we would support a ban on their use, production and transfer, as called for in the draft resolution, we believe that negotiations for an agreement on these questions must take into account the imperative need for self-defence. Furthermore, such negotiations should be conducted under multilateral auspices and take into account the interests of our Member States.

It is for these reasons that, while we can support draft resolution A/C.1/51/L.46, we would also like to support the amendment to it, as contained in document A/C.1/51/L.50.

**Mr. Izquierdo** (Ecuador) (*interpretation from Spanish*): The delegation of Ecuador wishes to be included among the sponsors of the draft resolution contained in A/C.1/51/L.46, entitled "An international agreement to ban anti-personnel landmines". This is because we attach the highest priority to all norms of international humanitarian law, including those that guided the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, along with its Protocols. These are all instruments to which Ecuador is a contracting party.

In this regard, Ecuador has consistently spoken out against the indiscriminate use of anti-personnel landmines, weapons that should be primarily self-defensive in

character. Ecuador therefore agrees with the goal of this draft resolution: to achieve the total prohibition of the use, stockpiling, production and transfer of anti-personnel landmines. In this context, Ecuador regrets the persistence of situations in which some States behave aggressively towards others, obliging the threatened party to use the available defensive methods to defend its sovereignty and territorial integrity, in keeping with Article 51 of the Charter of the United Nations regarding the right to legitimate self-defence. This same principle guides the provision included in article 1 of the amended Protocol of the Convention on certain conventional weapons, which clearly states:

> "Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State." *(CCW/CONF.I/16 (Part I), annex B, article 1, para. 4)*

Ecuador would have wished this provision to be included as a qualification in the text of the draft resolution.

Lastly, my delegation, in reiterating its decision to co-sponsor draft resolution A/C.1/51/L.46, commits itself to participating actively in the elaboration of the relevant international instrument.

**The Chairman**: The Committee will now proceed to take action on draft resolution A/C.1/51/L.35.

I call on the Secretary of the Committee.

**Mr. Lin Kuo-Chung** (Secretary of the Committee): Draft resolution A/C.1/51/L.35, entitled "Assistance to States for curbing the illicit traffic in small arms and collecting them", was introduced by the representative of Mali at the 16th meeting of the Committee on 6 November 1996. In addition to those sponsors listed in the draft resolution and those appearing in A/C.1/51/INF.3, the draft resolution was also sponsored by Haiti. As announced by the representative of Mali on 12 November, in the second preambular paragraph of the draft resolution, line 1, the word "illicit" should be inserted before the word "circulation".

**The Chairman**: Its sponsors have expressed the wish that the draft resolution, as orally revised, be adopted by the Committee without a vote.

If I hear no objection, I shall take it that the Committee wishes to act accordingly.

*Draft resolution A/C.1/51/L.35 was adopted.*

**The Chairman:** The Committee will now proceed to take action on draft resolution A/C.1/51/L.40.

I call on the Secretary of the Committee.

**Mr. Lin Kuo-Chung** (Secretary of the Committee): Draft resolution A/C.1/51/L.40, on the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, was introduced by the representative of Sweden at the 15th meeting of the Committee on 6 November 1996. In addition to those sponsors listed in the draft resolution and those appearing in document A/C.1/51/INF.3, it was sponsored by the following countries: El Salvador, Guatemala and Brazil.

**The Chairman:** The sponsors of the draft resolution have expressed the wish that it be adopted by the Committee without a vote. If I hear no objection, I will take it that the Committee wishes to act accordingly.

*Draft resolution A/C.1/51/L.40 was adopted.*

**The Chairman:** I now call on those representatives wishing to explain their position on the draft resolution just adopted.

**Mr. Yativ** (Israel): I should like to explain Israel's position on draft resolution A/C.1/51/L.40. Israel ratified the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CWC) in March 1995. We participated in the Review Conference that amended Protocol II of the Convention, and are currently reviewing that amended landmine Protocol. Israel supports the efforts being made to extend accession to the CWC to as many States as possible, particularly in the Middle East region.

Israel's policy stems from a deep and sincere concern for the need to reduce and prevent suffering and to restrict the use of weapons that have indiscriminate effects. However, we believe that it is necessary to keep a balance between vital humanitarian concerns on the one hand and legitimate security concerns on the other, with the aim of preventing further suffering. Joint action by the

international community to prevent suffering from the indiscriminate use of mines will in itself contribute to mutual trust and confidence between nations and peoples. In this context, Israel reiterates its call to regional States to accede to the Convention on Certain Conventional Weapons as a regional confidence-building step towards further enhancement of security in our region.

**Mr. Karem** (Egypt): The second resumed session of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CWC) was concluded on 3 May 1996. As is well known, it was not possible to achieve the desired success with regard to the suggested amendments to Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices. In this respect, therefore, the Conference failed to reflect the concerns and interests of all States without exception.

I regret to say that our disappointment at the outcome of the Review Conference is most prominent vis-à-vis the inability, in spite of the well-known detrimental effects of landmines on innocent civilians in different regions of the world, to include in its provisions amendments that would compel States parties to offer assistance in landmine clearance. The CWC is the only internationally binding instrument that deals with the issue of landmines in a comprehensive manner. In Egypt's view, utmost priority should be granted to strengthening international cooperation for the removal of the millions of landmines laid in dozens of countries in different regions of the world. Egypt therefore participated in the Review Conference as a token of its support for the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, despite the fact that we have not yet acceded to the Convention.

The Final Declaration of the Review Conference recognized

> "the important role that the international community, particularly States involved in the deployment of mines, can play in assisting in mine clearance in affected countries through the provision of necessary maps and information and appropriate technical and material assistance to remove or otherwise render ineffective existing minefields, mines and booby-traps". *(CCW/CONF.I/16 (Part I), annex C)*

The language in this paragraph was achieved through concerted effort; in fact, it originated as a proposal made by Egypt to the Review Conference, in which it participated as an observer. I am glad to note that the proposal was taken into consideration.

As this draft resolution, as did previous resolutions on the CWC, calls upon all States to take all measures to become parties to the Convention and its Protocols as soon as possible, it would also have been fitting to include in this year's draft resolution a call for international cooperation in landmine clearance, stressing the important role that States involved in the deployment of mines in affected countries can play in removing those landmines.

**The Chairman:** Before we move on to the next cluster, I call on the representative of the Netherlands.

**Mr. Ramaker** (Netherlands): The delegation of the Netherlands would like to propose, under rule 116 of the rules of procedure of the General Assembly, a motion of no action on the amendments proposed in document A/C.1/51/L.50. The reason for proposing not to take action on these amendments is that they are unnecessary because they merely repeat a right enshrined in the United Nations Charter, and would detract from the main thrust of draft resolution A/C.1/51/L.46 on an international agreement to ban anti-personnel landmines.

**The Chairman:** I now call on the Secretary of the Committee.

**Mr. Lin Kuo-Chung** (Secretary of the Committee): Rule 116 of the rules of procedure reads as follows:

> "During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The Chairman may limit the time to be allowed to speakers under this rule."

**The Chairman:** Before we put the motion to the vote, I call on those representatives who wish to speak in favour of, or against, the motion.

**Mr. Hoffmann** (Germany): I second this motion. As the representative of the United States has pointed out, no one wants to limit the right of self-defence as it is established in the Charter. We are dealing here with very

specific subject-matter. We are dealing with one particular weapon that is certainly used in self-defence but that has wider humanitarian connotations, which is why we support, and are a sponsor of, the draft resolution as presented by the United States. The Cuban amendment does not belong in this draft resolution. Therefore, we second the motion to take no action on this amendment.

**Mr. Rivero Rosario** (Cuba) *(interpretation from Spanish)*: First of all, my delegation wishes to express its extreme surprise at the comments that have been made this morning in an attempt to justify why the Committee should not take action on the amendments proposed by my delegation. We took note of these remarks with keen interest, but I must say quite frankly that not only were they not convincing, they were also somewhat difficult to understand. We find comments to the effect that these amendments do not really belong in the text quite surprising, as we do believe that the principles of the Charter should not be reiterated.

We do not consider that the proposal put forward by our delegation undertakes to examine these principles. However, it is clear — as the delegations that spoke in favour of not taking action are fully aware — that the principles of the Charter were reiterated in both the Declaration on the Occasion of the Fiftieth Anniversary and in the guidelines relating to the transfer of conventional arms, which were discussed and approved fairly recently, at the April 1996 session of the Disarmament Commission. This was done on the understanding, and in keeping with the belief of all delegations, that even 50 years after the adoption of the Charter, as in the case of the Declaration or the arms-transfer guidelines, these principles can be re-validated and their present-day relevance highlighted. I am certain that my delegation is not the only one that feels that these views are not very convincing.

My delegation would like to emphasize that we firmly oppose, on conceptual grounds, this motion of no action. It represents an attempt to limit, in the General Assembly and in this instance the First Committee, the right freely to express existing opinions. We believe that there is a need to seek justifying elements — and some have been put forward — to explain this motion. As we said yesterday when we proposed this amendment, our text in no way distorts the actual spirit of the draft resolution.

Our delegation is keenly aware of the opposition to the reiteration of these principles in the draft. But as disarmament issues affect international peace and security, we believe that it is only fair that all delegations should be able to express their views on that question. This is not the domain of any particular group of delegations nor, given its importance, should it be conditioned by procedure. We consider that any attempt to limit the right of delegations to vote on their beliefs would lead to a distortion of the entire process. As we are convinced that our amendment and the points made therein are justified, we oppose this motion of no action and ask that a recorded vote be taken.

**Mr. Al-Saeid** (Kuwait) (*interpretation from Arabic*): I will be very brief. My delegation is addressing the First Committee to support the proposal made by the representative of the Netherlands. We believe that anti-personnel landmines pose a grave threat to humanity. We do not understand how the pretext of self-defence can be used to justify the production and export of anti-personnel landmines. Furthermore, we also support all the arguments made by the representative of Germany. If the proposals in A/C.1/51/L.50 are voted upon, we shall vote against.

**Ms. Ghose** (India): As I stated yesterday, my delegation supports the draft resolution contained in L.46. However, we oppose on conceptual grounds the motion proposed this morning by the Netherlands delegation. We oppose this motion on conceptual grounds only — not because of its substance. This is without prejudice to how we might vote on the amendments.

The issue really is that yesterday several delegations — though not mine — expressed their support for the amendments, and I think that some did today as well. These delegations should be permitted to express their opinion as clearly as possible. I think that to stop the expression of delegations' views is not a very healthy precedent. For this reason, we feel that stopping a vote on the amendment is not something that we can support.

**The Chairman**: In accordance with rule 116, two representatives have spoken in favour of, and two against, the motion. I should now like to put the motion to the vote.

I call on the Secretary of the Committee.

**Mr. Lin Kuo-Chung** (Secretary of the Committee): In accordance with rule 116, the Committee will now proceed to vote on the no-action motion on the amendment to draft resolution A/C.1/51/L.46, as contained in document A/C.1/51/L.50.

*A recorded vote was taken.*

*In favour*:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Canada, Cape Verde, Chad, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Ethiopia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, The former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia, Zimbabwe

*Against*:

Algeria, Bangladesh, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, India, Indonesia, Iran (Islamic Republic of), Jordan, Lebanon, Liberia, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sri Lanka, Syrian Arab Republic, United Arab Emirates, Viet Nam

*Abstaining*:

Burkina Faso, Burundi, Cameroon, Ghana, Myanmar, Namibia, Republic of Korea, Singapore, Tajikistan, Thailand, Uganda, Ukraine, United Republic of Tanzania, Zaire

*The motion was adopted by 95 votes to 26, with 14 abstentions.*

[Subsequently, the delegations of Liberia and Bangladesh informed the Secretariat that they had intended to vote in favour.]

**The Chairman:** I shall now call on those representatives who wish to explain their vote.

**Mr. Sha Zukang** (China) (*interpretation from Chinese*): Like the representative of India, I should like to comment on the motion on conceptual grounds.

Some delegations have said that because the Charter of the United Nations is known to everyone, it is not necessary to refer to it in resolutions on arms control and disarmament.

However, such a view is utterly unacceptable to the Chinese delegation. The principles of the Charter, including the principle of self-defence, should not only be reiterated every day, every month and every year, but also should be faithfully implemented. As a permanent member of the Security Council, China will not only implement the principles of the Charter but will also resolutely combat any actions that go against these principles. We believe that any action that contravenes the Charter will not succeed.

Secondly, it stands to reason that, in any negotiations on arms-control agreements, we should take into account the right to self-defence. It is ridiculous, and anomalous, to disregard this right.

The year before last, the resolution on this item was adopted by consensus. In that resolution, reference was made to the need to seek viable and humane alternatives to anti-personnel mines. What is the reason behind this proposal? Obviously, it is for self-defence.

Thirdly, the First Committee is meant to discuss disarmament. This is not a place for beauty and popularity contests. Questions of national security must not be taken lightly or obscured behind a smokescreen of humanism or humanitarianism. To totally disregard the need for security would be hypocritical and dishonest.

**Mr. Pham Quang Vinh** (Viet Nam): My delegation believes that it is quite relevant to take up the question of the right to self-defence, which is recognized by the United Nations Charter and international disarmament treaties, here in the Committee in the framework of the consideration of A/C.1/51/L.46. As this question is important and relevant in this context, my delegation strongly believes that there must be a change so that this Committee may consider it and act on it. It is for this reason — a conceptual reason — that my delegation cast a negative vote on the no-action motion. This does not affect our position with regard to the substance of the question under discussion and to L.46.

**Mr. Abdel-Aziz** (Egypt): The delegation of Egypt voted against the no-action motion for one single reason: We believe in the democratic process of our work and the need to allow delegations to express their views on a particular question, and not block them from doing so. This

is especially true when the issue is of such paramount political importance as the one under consideration, which, in our view, is symbiotically linked to, and draws from, the provisions of the Charter of the United Nations.

**Mr. de Icaza** (Mexico) (*interpretation from Spanish*): The delegation of Mexico voted in favour of the no-action motion. We believe, as did Buffon in the eighteenth century, that form is substance. We consider that in voting on the no-action motion, we also voted on the draft resolution and that no delegation was prevented from expressing its opinion on the content thereof.

Secondly, we believe that the amendments introduced by the delegation representing the sister Republic of Cuba do not fit appropriately in draft resolution A/C.1/51/L.46.

Reasons of a military nature have always been invoked for not opposing the use of inhumane weapons. One hundred years ago, when dumdum bullets were finally banned, military experts argued at The Hague that while dumdum bullets were particularly cruel, their military purpose in colonial wars was evident because they were very effective in stopping the savages. There is always a military reason not to oppose the use of an inhumane weapon, and landmines have now become the most inhumane of weapons.

**Mr. Hasan** (Iraq): My delegation lost its right of vote because we did not pay our contribution to the regular budget of the United Nations because of the comprehensive sanctions regime imposed on our country. Nevertheless, if we had the right of vote, we would vote against the no-action motion because it is not the most democratic way to deal with the proposals of Member States.

**Mr. Akram** (Pakistan): My delegation has voted against the no-action motion proposed by the Netherlands and supported by some others. We take note of the fact that the delegations that proposed this no-action motion on the amendments contained in A/C.1/51/L.50 are the very same delegations that opposed the procedures of no-action in other Committees of the General Assembly, especially the Third Committee.

We have also noted arguments that consider the right of self-defence inherently acceptable but inappropriate for reflection in document A/C.1/51/L.46. We do not believe that these arguments are credible or convincing. We would have thought that a reference to the right of self-defence should pose no difficulty for the delegations concerned, since the explanatory memorandum for the proposal contained in L.46 itself refers to an exception to be made for precisely the right of self-defence. Countries such as mine, which has a 1,500-mile border to protect against the larger forces of an adversary, cannot contemplate giving up or disavowing the right of self-defence in the consideration of the abolition of any weapon, no matter how inhumane.

I would not wish to enter in an argument with my colleague from Mexico about the dumdum bullet, but surely there were alternatives to the dumdum bullet available. Until technological cooperation is promoted and countries have available alternative means to defend themselves, it is unrealistic to make propositions that would impugn the security of sovereign States.

Nevertheless, my delegation has noted that the sponsors of this amendment affirmed this morning that the right of self-defence is inherent in their proposal and that they do not wish to exclude it. We take note of that statement, and we shall revert to it in considering the recommendations contained in A/C.1/51/L.46.

**The Chairman:** I call on the representative of Benin, who wishes to speak on a point of order.

**Mr. Houansou** (Benin) (*interpretation from French*): I wish to point out that because the statement made by the representative of the Islamic Republic of Iran was not interpreted into French, we were not able to hear the French version of his remarks. I should like to ensure that there is no problem with the interpretation system, so that everyone can benefit from the interpretation of what is said here.

**The Chairman:** The Secretariat will take note of the statement made by the representative of Benin.

**Mr. Mesdoua** (Algeria) (*interpretation from French*): My delegation voted against the no-action motion because we consider that this is not the best way or an appropriate procedure to allow our States to express their views on such a sensitive issue as this one — the right of self-defence — a principle that is recognized in the Charter of the United Nations. My delegation will, however, vote in favour of the draft resolution.

**The Chairman:** If no other delegation wishes to explain its vote on the motion, we will now proceed to take action on draft resolution A/C.1/51/L.46.

If I hear no objection, the Committee will act accordingly.

I now call on those representatives wishing to explain their vote before the voting.

**Mr. Rivero Rosario** (Cuba) (*interpretation from Spanish*): Before we proceed to the voting, the Cuban delegation would like to place clearly on record its position regarding the draft resolution contained in document A/C.1/51/L.46.

Because of the importance that Cuba attaches to the question of anti-personnel landmines, from the start of our work my delegation has made serious and good-faith efforts to ensure that it would be possible at this session to adopt a resolution on this subject that would be acceptable to all delegations. Obviously, this would require a text that would promote more effective solutions to the humanitarian problems stemming from the indiscriminate and irresponsible use of landmines in many countries, and at the same time take into account the legitimate national security interests of all.

Despite the fact that we had many other concerns in respect of L.46, in order to avoid making this difficult negotiating process even more complex, we simply proposed an explicit reference to a principle enshrined in the Charter of the United Nations, which, despite its relevance, was inexplicably not reflected, either directly or indirectly, in the draft resolution.

We have all seen what has taken place. We deeply regret that, as a result of procedural manoeuvering, this Committee was not able even to pronounce itself on the legitimate concern of a group of delegations. This outcome is particularly negative in that it deals with a subject that has both humanitarian and disarmament implications and, consequently, affects peace and security.

We would like sincerely to thank all the delegations that, in one way or another, supported in good faith the action initiated by Cuba in the interests of the rights of all States, as well as those that expressed their opposition to the no-action motion.

Since my delegation's position in respect of the question of anti-personnel landmines has been clearly expressed in the course of our work, I shall limit myself on this occasion to commenting very briefly on some fundamental points.

My delegation is of the view that in its present form the general orientation of the draft resolution seriously jeopardizes the outcome of the arduous negotiations that took place within the framework of the Review Conference for the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly those related to the amended Protocol II on landmines, booby-traps and other devices. We were struck by the fact that the numerous co-sponsors of L.46 include very few countries that are actual parties to the 1980 Convention, which leads us to believe, and hope, that those countries' humanitarian concerns, as reflected in L.46, will soon take the form of accession to the 1980 Convention. This is because one of the main objectives to be achieved at this stage is universality of the Convention, which was ratified by my country in 1987.

As several delegations have indicated, the attempt to impose an apparent solution to the problem of the indiscriminate and irresponsible use of anti-personnel landmines through a total ban on them cannot obtain universal acceptance. It will only contribute to distancing us even further from our current objective: the universality of the Convention. As this is the only basis for consensus that exists at present, it is therefore the most realistic means of finding more effective solutions to the humanitarian problems caused by the aforementioned indiscriminate and irresponsible use of anti-personnel landmines. Any subsequent measure aimed at limiting or prohibiting these devices would of necessity require a phased approach that would be multilaterally negotiated, non-discriminatory and universally acceptable, and would take into account the legitimate interests of all States.

In Cuba's case, the use of landmines is foreseen only as a means of protecting its national borders. This is in strict compliance with all international provisions on this question, which guarantee full protection of the civilian population. In my country there is no humanitarian problem whatsoever relating to landmines, as is the case in many other countries that use these weapons as a means of self-defence. That reality is ignored in draft resolution L.46.

For these reasons, my delegation will not, therefore, be in a position to support the text of L.46; and we will abstain in the recorded vote.

**Mr. Kadrakounov** (Kyrgyzstan): I recall the words of the German philosopher Kant that there are no moral phenomena — there are only moral interpretations of phenomena. We are dealing with two interpretations of the same phenomena.

Landmines are weapons targeting human beings. They cannot therefore be considered humanitarian. For this reason, we will vote in favour of the draft resolution contained in document A/C.1/51/L.46.

**Mr. Bakhit** (Sudan) (*interpretation from Arabic*): The delegation of Sudan endorsed the draft resolution contained in document A/C.1/51/L.46. We also expressed this support during the general debate and during the introduction of this draft resolution by the United States delegation.

We welcome the international efforts that have been made to prohibit these weapons. There is no need to restate the danger they pose to innocent civilians. Sudan, like other countries that suffer from this scourge, is committed to the elimination of these weapons.

Landmines have become the weapons of many terrorist groups. More than one million of them have been laid during the rebellion in the south of Sudan, posing a threat to peace and stability in that area. Furthermore, landmines prevent the provision of medicines, foodstuffs and other necessities to the inhabitants of that region, and also prevent development projects from being implemented.

My country calls for the support of the international community in removing these mines. Negotiations under the auspices of the United Nations on the eventual elimination of landmines must continue. We hope that all Member States — particularly those States suffering from this scourge — will be invited to participate in these negotiations.

**The Chairman**: Does any other delegation wish to explain its vote before the voting? I see none.

The sponsors of this draft resolution reiterate their position and have requested that it be adopted without a vote.

I call on the representative of Cuba.

**Mr. Rivero Rosario** (Cuba) (*interpretation from Spanish*): My delegation hopes that it has correctly understood your words. If the request made by the sponsors is that a decision be taken without a vote — if that was your indication — then my delegation reiterates, as it indicated in its statement in explanation of vote, that it would like a recorded vote on this draft resolution.

**The Chairman**: The Committee will now proceed to take action on draft resolution A/C.1/51/L.46.

A recorded vote has been requested.

I call on the Secretary of the Committee to conduct the voting.

**Mr. Lin Kuo-Chung** (Secretary of the Committee): Draft resolution A/C.1/51/L.46, entitled "An international agreement to ban anti-personnel landmines", was introduced by the representative of the United States of America at the 14th meeting of the Committee on 4 November 1996. In addition to the sponsors listed in the draft resolution and those appearing in document A/C.1/51/INF.3, it was also sponsored by the following countries: Belize, Cape Verde, Congo, Ecuador, France and San Marino.

*A recorded vote was taken.*

*In favour*:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Kazakstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Samoa, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and

Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Zaire, Zambia, Zimbabwe

*Against*:
None

*Abstaining*:
Belarus, China, Cuba, Democratic People's Republic of Korea, Israel, Pakistan, Republic of Korea, Russian Federation, Syrian Arab Republic, Turkey

*Draft resolution A/C.1/51/L.46 was adopted by 141 votes to none, with 10 abstentions.*

**The Chairman**: I shall now call on those representatives wishing to explain their vote.

**Mr. Uluçevik** (Turkey): I should like to explain why my delegation has chosen to abstain in the voting on draft resolution A/C.1/51/L.46.

We fully share the view that the indiscriminate use of anti-personnel landmines causes great humanitarian and economic problems. We strongly support the goal of ending the human tragedy they cause.

However, we have abstained in the voting on the draft resolution because we felt it did not explicitly address the legitimate security interests of States, particularly the right to self-defence. Neither did it address the crucial issue of how the international community would manage the control of landmines that are in the possession of terrorist groups.

It is our firm view that States can move effectively towards the goal of the eventual elimination of anti-personnel landmines as viable alternatives are developed that significantly reduce the risk to civilian populations.

Finally, we prefer a phased approach whose specific measures would be agreed upon in the Conference on Disarmament, with a view to their universal implementation. Had the draft resolution addressed these concerns of ours, we would have voted in its favour.

**Mr. Yativ** (Israel): I wish to explain Israel's vote on draft resolution A/C.1/51/L.46.

Israel supports the international efforts being made to resolve the problem of the indiscriminate and irresponsible use of anti-personnel landmines, whose casualties are mostly innocent and defenceless civilians, United Nations peacekeeping forces and humanitarian aid personnel.

In March 1995, Israel ratified the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. It participated in the Review Conference that amended Protocol II of the Convention, and is currently reviewing that revised landmines Protocol.

Israel supports the efforts being made to extend accession to the Convention on Certain Conventional Weapons to as many States as possible, particularly in the Middle East region.

Israel opposes the proliferation of anti-personnel landmines. Accordingly, in 1994 it adopted a unilateral moratorium prohibiting their export. This moratorium was recently extended for an additional period of three years, until 1999.

However, due to Israel's unique situation in the Middle East — which involves an ongoing threat of hostilities as well as terrorist activities along the border — Israel is obliged to maintain its capability to use anti-personnel landmines for self-defence in general and in particular along the borders. Such a use of anti-personnel landmines is in accordance with the requisites of the Convention.

Israel is therefore unable, at this juncture, to commit itself to a complete ban on the use of anti-personnel landmines. It will not be able to do so until alternative and effective measures are available to ensure the protection of its security forces, which operate in regions that still face armed conflicts, and of its civilians, who face a daily threat to their lives.

At the same time, Israel supports a gradual process in which each State will undertake to cease the proliferation of anti-personnel landmines; accept restrictions on their possible use; and ban their production once circumstances permit.

**Mr. Tan** (Singapore): Singapore shares the concern expressed by many members of the international community regarding the humanitarian problems caused by anti-personnel landmines. We are convinced that their irresponsible and indiscriminate use threatens not only the lives of combatants but also those of innocent individuals, including United Nations personnel.

Singapore acknowledges and supports the efforts of many countries and organizations to alleviate this problem. It is in this spirit that we support the objectives of draft resolution A/C.1/51/L.46.

Singapore has declared a two-year moratorium on the export of anti-personnel landmines that have no self-destructing or self-neutralizing mechanisms. However, while we share the vision of a world free of anti-personnel landmines, we also think that a blanket ban on them is not practical — at least not for the time being.

The truth of the matter is that the issue of anti-personnel landmines is not just a humanitarian one; it is also a security issue. Many countries still see the need for anti-personnel landmines for legitimate self-defence purposes. Attempts to eliminate anti-personnel landmines altogether could be counter-productive if some countries regard such moves as a threat to their security.

A lack of general support could also set back efforts to achieve a consensus on how to eliminate the humanitarian problems caused by anti-personnel landmines. A total ban is only one of many possible prescriptions to deal with these problems. There is a need to differentiate between the responsible and indiscriminate uses of this weapon.

In this regard, we note that the responsible use of landmines under internationally accepted norms has been captured by the amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. Ironically, not many sponsors of the draft resolution on anti-personnel landmines are parties to this Convention.

Singapore is committed to working with members of the international community to find a durable solution to this problem.

**Mr. Al-Hassan** (Oman) (*interpretation from Arabic*): My delegation would like to explain its vote on draft resolution A/C.1/51/L.46, entitled "An international agreement to ban anti-personnel landmines".

My delegation supports the general idea of banning anti-personnel landmines, which every year give rise to a greater number of victims in many parts of the world, particularly among innocent civilians. We would like to stress that our support for this draft resolution does not mean that we fully subscribe to it, particularly as regards the ninth preambular paragraph, in which the General Assembly welcomes the declaration adopted at, and the recommendations made by, the International Strategy Conference held at Ottawa.

The reason is simple and logical: we did not take part in that Conference and had no role in the elaboration of its recommendations, which we therefore cannot welcome. We believe that the recommendations of the Conference do not necessarily reflect the positions adopted by the international community as a whole. On the contrary, their recommendations reflect only the viewpoints of the countries that took part in that Conference.

We think that an international agreement banning landmines — although it is a noble and commendable objective that we indeed support — is an important issue that concerns all States. We think, therefore, that all countries should take part in the elaboration of a programme of action, in general terms.

Draft resolution A/C.1/51/L.46, whose first operative paragraph calls on States to conclude an effective and legally binding international agreement, has determined neither the scope of such an agreement nor the forum that should proceed to take action towards this end.

We are therefore not fully satisfied with the amendments made to the document in question. The amendments contained in document A/C.1/51/L.50 should have been incorporated into draft resolution A/C.1/51/L.46 to cover the right of States to self-defence. However, despite the weaknesses and shortcomings that I have identified in draft resolution A/C.1/51/L.46, my delegation supported it, as it is aware of its noble and commendable aims. We fully support the efforts being made to ban anti-personnel landmines.

**Mr. Abou-Hadid** (Syrian Arab Republic) (*interpretation from Arabic*): The delegation of the Syrian Arab Republic would like to explain its vote on the draft resolution contained in document A/C.1/51/L.46, which has just been adopted. My delegation abstained in the voting on the draft resolution because Syria is not a signatory to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

**Mr. McCook** (Jamaica): My delegation supports draft resolution A/C.1/51/L.46 because we are deeply committed to a comprehensive effort to rid our world of weapons of mass destruction and other weapons whose properties are

such that their military purposes pale in the face of their inhumane features. We therefore see the approach to this issue as consistent with the approach that we wish to be taken to nuclear weapons and other weapons of mass destruction.

**Mr. Karem** (Egypt): Despite the fact that Egypt voted against the motion not to take action on draft resolution A/C.1/51/L.50, Egypt voted in favour of draft resolution A/C.1/51/L.46. Egypt is cognizant of the magnitude and severity of the problems associated with the proliferation of anti-personnel landmines. The suffering they inflict upon civilian populations, their detrimental effects on economic and social development, especially in areas infested with landmines, and the hefty financial burdens, as well as the technological limitations involved in their detection and de-activation, are undeniable. No other State in the world has acquired such a horrendous number of landmines as Egypt. It has been estimated that there are still 23 million landmines in Egypt, most of them lurking in the sands of Egypt's western deserts and in the Sinai peninsula, and covering an area of 288,000 acres. That figure represents one landmine for every two people in the Egyptian population. Many of the mines go back to the battles of Alamein during the Second World War. From 1985 to 1995, in an ambitious project, the Egyptian military, in aiding progress on the road towards socio-economic development by freeing this rich sector of our territory, cleared 11 million landmines. The balance — the number of landmines remaining — is an astronomical 23 million. No single entity or State acting alone, notwithstanding its capabilities, could free itself of or remove this enormous number of landmines.

On this premise, Egypt has emphasized, in various international meetings related to landmines, that any new system designed to tackle this problem should include two main elements. First, there should be full compensation for the victims and their families; and secondly, sufficient financial, material and technological assistance should be provided to clear the remaining mines in States afflicted by this problem — States that were not responsible for laying the landmines in the first place. That is precisely Egypt's problem.

Furthermore, we believe that in our efforts to limit the unnecessary and irresponsible proliferation of landmines, we should fully take into account the national security concerns of all States and their legitimate need for self-defence, which is enshrined in the Charter of the United Nations. This need is especially evident in the case of States with long borders, which are prone to the illicit trafficking of weapons designed to undermine national stability and security, and to drug trafficking and terrorist smuggling activities. The threat remains, but a viable alternative also remains elusive.

The forum in which a convention on landmines is to be negotiated has yet to be unveiled. We believe that any negotiations on this issue should take place in the open, with a degree of transparency that could be provided for only in a multilateral negotiating forum. Such a forum would be instrumental in achieving the universal adherence for which we all strive. Furthermore, my delegation stresses the importance of landmine clearance, particularly for countries affected by landmines. This element was neglected in the draft resolution on which we have just voted, and we hope that in the negotiation process it will be taken fully into consideration.

**Mrs. Laose-Ajayi** (Nigeria): The Nigerian delegation voted in favour of the draft resolution contained in document A/C.1/51/L.46, entitled "An international agreement to ban anti-personnel landmines". Nigeria did so because it supports the various initiatives to find a way to put an end to the suffering caused in many countries by the indiscriminate use of anti-personnel landmines. We believe, however, that a total ban on anti-personnel landmines will not be effective if the concerns of key countries on the matter are not addressed during negotiations. We are also of the opinion that the appropriate forum for negotiating a ban on anti-personnel landmines is the Conference on Disarmament.

**Mr. Goonetilleke** (Sri Lanka): Yesterday, Sri Lanka commented on the draft resolution contained in document A/C.1/51/L.46. The thrust of our comments was, first, that the international agreement envisaged in the draft resolution should be negotiated multilaterally; be comprehensive enough to cover production, stockpiling, transfer and use; and be universal in character. Secondly, negotiations should be conducted in a transparent manner, without the "quick fix" solution that a limited number of countries are trying to introduce, in the expectation that others will join them later. Thirdly, the international agreement should cover both State and non-State actors. On the basis of these considerations, my delegation voted in favour of draft resolution A/C.1/51/L.46. Sri Lanka could have been satisfied with the contents of the draft resolution without having to refer to the right to self-defence. However, we had to take note of the fact that the Committee had before it amendments proposed in document A/C.1/51/L.50.

The principle of the right to self-defence is enshrined in the United Nations Charter. These and other principles have been repeated in numerous General Assembly resolutions and in resolutions adopted in other United Nations forums. The arguments put forward by the sponsors of L.46 were, to say the least, unconvincing to my delegation. When a Member State of this Organization is being attacked or invaded by another country, the victim, according to the Charter, has the right to self-defence. Sri Lanka believes that a country should not deny itself the right to self-defence out of humanitarian considerations for the armed forces of an aggressor. It is for these reasons that my delegation voted against the no-action motion proposed by the representative of the Netherlands.

**Mr. Tham** (Myanmar): I wish to explain my delegation's vote on draft resolution A/C.1/51/L.46, entitled "An international agreement to ban anti-personnel landmines".

Myanmar endorses efforts to conclude an international agreement banning anti-personnel landmines and broadly concurs with the main thrust of the draft resolution. My delegation has therefore voted in favour of the draft resolution.

However, we firmly believe that every nation has an inherent right of self-defence; indeed, this is one of the fundamental rights of States under customary international law and has also found expression, in a codified form, in the United Nations Charter.

Countries differ; so do their defence needs. We feel that, unlike in the case of biological and chemical weapons, there are instances where small countries may need to exercise their right of self-defence by resorting to the legitimate use of landmines.

We must also note an important difference between, on the one hand, chemical weapons, biological weapons and the other inhumane weapons banned under the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and anti-personnel landmines, on the other.

In the first case, there is consensus that moral revulsion at these weapons outweighs their military necessity. There is also consensus that a total ban on those weapons should be imposed. This is not yet the case, at least for the time being, insofar as anti-personnel landmines are concerned.

In the case of anti-personnel landmines, a significant number of countries believe that they should be able to reserve the right to self-defence.

I therefore wish to place on record the principal position of my delegation: that an international agreement to be negotiated to ban anti-personnel landmines must be without prejudice to the inherent right of self-defence of States, and that this important issue should be taken into account in multilateral negotiations on the proposed international legal instrument.

**Mr. Pham Quang Vinh** (Viet Nam): My delegation wishes to explain its vote on draft resolution A/C.1/51/L.46. We too are deeply concerned at the consequences of the indiscriminate use of anti-personnel landmines. As a country that has been the victim of such a practice, we recognize the gravity of the associated problems and fully understand the treachery involved, of both human and material losses.

We fully support a strict ban on the indiscriminate use of anti-personnel landmines and welcome the call for a moratorium on the export of these weapons. We consider landmine clearance and humanitarian assistance very important, and efforts in this regard must be further enhanced.

In our view, the international community should further explore those areas of agreement, which must therefore be the main thrust of our action. We must not, while addressing the humanitarian concerns that we all share, forget the legitimate security concerns and the reliance of many countries, particularly poor ones, on these defensive devices for the sole purpose of protecting their sovereignty and territorial integrity, in accordance with the Charter.

Regrettably, draft resolution A/C.1/51/L.46 does not take due account of these legitimate concerns. Moreover, a number of elements in the draft resolution require clarification, especially those related to the nature, scope and modality of the proposed negotiations, and those on how, and through what procedures, we can ensure the broadest possible participation in the negotiations and a consensus on the outcome.

Despite such facts, however, my delegation decided not to participate in the voting on draft resolution A/C.1/51/L.46 because, though we fully share the humanitarian concerns contained therein, we hope that these

important but omitted elements will be incorporated in the course of our future action.

It is our view that any future negotiations must take into account the humanitarian aspect as well as questions related to the legitimate rights of States to self-defence, as enshrined in the Charter, and to their security concerns. The aim must be to achieve a non-discriminatory, universal and multilaterally negotiated international instrument that is based on the broadest consensus of the international community and that meets the legitimate interests of all States.

**The Chairman**: We have heard the last speaker in explanation of vote.

I call on the representative of France, who wishes to make a general statement.

**Mr. Rivasseau** (France) *(interpretation from French)*: I should like briefly to comment on draft resolution A/C.1/51/L.46, entitled "An international agreement to ban anti-personnel landmines", which has just been adopted with the endorsement of France, which was a sponsor of the text.

The draft resolution sets a goal: to conclude an international agreement to ban anti-personnel landmines. France would have preferred that the text be more specific on certain points. However, in the light of our discussions, we felt that the text would in no way prejudge by its silence those aspects, which will now have to be looked into. I will touch on two of them.

First, the negotiating body. As we have stressed, France feels that the Conference on Disarmament is the appropriate international negotiating body for reaching a universal, legally binding and verifiable agreement, taking account of the various points of view and concerns. These negotiations, though they have humanitarian implications, are nonetheless disarmament negotiations.

In that respect, we must be consistent. We are preparing to reaffirm, in draft resolution A/C.1/51/L.25, that the Conference on Disarmament is the single multilateral disarmament negotiating forum of the international community. In that connection, I would recall the joint undertaking entered into by the European Union on 1 October 1996, which involves its 15 member States and aims to ensure that the question of the ban is raised forthwith in the most appropriate international forum.

Secondly, serious negotiations are required. We are confronted with an important problem that has multiple implications. Many States use mines today and intend to continue to do so in the future; some may even be among the sponsors of the draft resolution.

This problem must be dealt with in a responsible manner. That is why France, like other countries, is proposing a comprehensive, phased approach that would allow definite progress to be made towards the achievement of a total ban.

This in no way precludes other parallel initiatives such as unilateral decisions, like that taken by France; regional undertakings; or political conferences such as the one held at Ottawa. France wishes to contribute to those initiatives, each of which will, in its own way, help to achieve the goal that the United Nations has just set itself in adopting the draft resolution.

**The Chairman:** I call on the Secretary of the Committee.

**Mr. Lin Kuo-Chung** (Secretary of the Committee): I wish to inform the Committee that the following countries have joined in sponsoring draft resolution A/C.1/51/L.46: Andorra, Burundi, Djibouti, Kuwait and Samoa.

**The Chairman:** The Committee will now proceed to take action on draft resolutions A/C.1/51/L.4/Rev.1 and A/C.1/51/L.37 in cluster 1.

I call on the representative of Pakistan to introduce the amendment to draft resolution A/C.1/51/L.4/Rev.1, as contained in document A/C.1/51/L.51.

**Mr. Akram** (Pakistan): Pakistan supports the objectives and purposes of the draft resolution contained in document A/C.1/51/L.4/Rev.1, which are to strengthen the exclusion of nuclear weapons from various regions of the world through the creation of nuclear-weapon-free zones.

We believe that support for the creation of nuclear-weapon-free zones should be universal and non-discriminatory. To this end, we have been in constant contact with the sponsors of the draft resolution.

We believe that operative paragraph 3 should refer to various proposed nuclear-weapon-free zones on a consistent basis. We have therefore proposed the inclusion of a reference to the proposed nuclear-weapon-free zone in

South Asia in the amendment contained in document A/C.1/51/L.51.

For 22 years, the international community has endorsed, in principle, the concept of a nuclear-weapon-free zone in South Asia. Pakistan believes that, despite the difficulties that have been faced in the creation of a nuclear-weapon-free zone in South Asia, this remains a feasible and important objective for the region and for the international community.

In order to make it clear that we are not seeking any imposition of such a zone in South Asia or elsewhere, the draft amendment suggested by Pakistan in L.51 makes it clear that the proposed nuclear-weapon-free zones to be created should be

> "on the basis of arrangements freely arrived at among the States of the region concerned".

Pakistan is confident that this amendment will be acceptable to the sponsors and to almost all other Member States. If it is adopted, Pakistan will be in a position to join in sponsoring the draft resolution contained in document A/C.1/51/L.4/Rev.1.

**The Chairman:** I now call on those delegations wishing to comment on the amendment to draft resolution A/C.1.51/L.4/Rev.1.

**Ms. Ghose** (India): No one in the Committee will be surprised that we should ask for a vote on the amendment proposed by the representative of Pakistan.

Our reasons for opposing the amendment are also extremely clear. It would also obviously change our vote on the draft resolution as a whole should this amendment be adopted. However, I should like to point out that this amendment contains what is commonly known, unless I am mistaken, as an oxymoron — a contradiction. It mentions South Asia and then goes on to say "on the basis of arrangements freely arrived at".

We have already adopted a draft resolution on this specific region, which India, as a part of South Asia, opposed. So clearly it is not freely arrived at, and therefore the inclusion of South Asia here is becoming somewhat routine. It is a part of what I mentioned earlier — a kind of a bilateral "to-ing" and "fro-ing" disguised as something internationally acceptable.

We are not going to repeat the reasons why we do not accept the concept of South Asia in terms of disarmament and international security. Certainly, culturally South Asia is a region. We hope that economically, once Pakistan is a little more willing to join us, it will also be a region, but in terms of international security and disarmament, India does not accept South Asia as a region.

For these reasons, we will vote against this amendment.

**Mr. Akram** (Pakistan): One brief comment on the statement by the representative of India: There is no contradiction. What we are saying is that the creation of the nuclear-weapon-free zone should be on the basis of arrangements freely arrived at.

We know that India opposes our draft resolution, but if we could sit down and discuss the matter, we might be able to see whether it is possible to find a common approach that could be accepted by India and the other countries of South Asia to create a zone in South Asia that would exclude nuclear weapons.

The Government of India has consistently stated that it does not wish to acquire nuclear weapons. We believe and we hope that that position remains the same today. We wish to capture that position. We wish to multilateralize that position, to secure a commitment from all the countries of South Asia that they will not acquire nuclear weapons. That is an objective that is supported by the international community, and surely, we hope, the Government of India does not oppose that objective.

It is in that spirit that we ask for the support of the international community for this objective of excluding nuclear weapons from South Asia. We hope that the international community will remain consistent and support this objective.

**Ms. Ghose** (India): I do understand that members are getting a little upset, and so am I. But I promise that this will be my last statement on this particular subject.

I think that I welcome the spirit in which the Ambassador of Pakistan made his recent comments, but I would suggest that this is much better done in Islamabad and Delhi. We have been trying for months — for years — to sit down and talk bilaterally. That is where we should do it, and not indulge in these kinds of situations.

**Mr. Akram** (Pakistan): I just wish to ask my colleague from India one small question: Do I take it that India agrees to discuss the proposal for the South Asia nuclear-weapon-free zone with Pakistan?

**The Chairman:** The Committee will now take action on the amendment proposed by the delegation of Pakistan in draft resolution A/C.1/51/L.51.

I call on the Secretary of the Committee to conduct the voting.

**Mr. Lin Kuo-Chung** (Secretary of the Committee): The amendment to draft resolution A/C.1/51/L.4/Rev.1 is contained in draft resolution A/C.1/51/L.51 and was introduced by the representative of Pakistan at the Committee's 21st meeting on 13 November 1996.

A recorded vote has been requested.

*A recorded vote was taken.*

*In favour*:

Albania, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Gabon, Gambia, Germany, Ghana, Guatemala, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kazakstan, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Malaysia, Mali, Malta, Marshall Islands, Mexico, Mongolia, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Russian Federation, Samoa, Saudi Arabia, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Zambia, Zimbabwe

*Against*:

India

*Abstaining*:

Afghanistan, Algeria, Andorra, Antigua and Barbuda, Armenia, Belgium, Benin, Bhutan, Bulgaria, Burkina Faso, Colombia, Cuba, Cyprus, Czech Republic, Denmark, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Greece, Hungary, Iceland, Israel, Jamaica, Kenya, Lithuania, Luxembourg, Mauritius, Myanmar, Namibia, Netherlands, Norway, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Tajikistan, Thailand, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam, Zaire

*Draft resolution A/C.1/51/L.51, amending draft resolution A/C.1/51/L.4/Rev.1, was adopted by 89 votes to 1, with 51 abstentions.*

[Subsequently, the delegation of the Democratic People's Republic of Korea informed the Secretariat that it had intended to abstain.]

**The Chairman:** The Committee will now take action on draft resolution A/C.1/51/L.4/Rev.1.

I shall now call upon those members who wish to make statements in explanation of vote before the voting.

**Mr. Campbell** (Australia): Australia will support this draft resolution initiated by our southern-hemisphere neighbour, Brazil, because it is consistent —

**The Chairman:** I call on the representative of the Netherlands on a point of order.

**Mr. Ramaker** (Netherlands): I am having some difficulty with the voting procedures this morning. It would seem to me that, once we have voted on the amendment, we should immediately continue with the vote on the draft resolution as a whole. After that, of course, delegations can make statements in explanation of vote. I think that, if we interrupt the voting procedure, we are not in line with the rules of procedures of the General Assembly.

**The Chairman**: The representative of the Netherlands has proposed that we take action immediately on draft resolution A/C.1/51/L.4/Rev.1. Does the Committee agree to take action on the draft resolution at this time?

**Sir Michael Weston** (United Kingdom): My delegation wished to explain its vote on draft resolution A/C.1/51/L.4/Rev.1 before the voting and we still wish to do so. We already have a precedent for departing from the rules of procedure on this point, set this morning when the representative of the Netherlands proposed the vote of no

action on the Cuban amendment to draft resolution A/C.1/51/L.46.

I would request that, even though it may be a departure from the rules of procedure, those of us who wish to explain our votes on A/C.1/51/L.4/Rev.1 before the voting should be allowed to do so.

**The Chairman**: I call on the representative of the Netherlands on a point of order.

**Mr. Ramaker** (Netherlands): As the Ambassador of the United Kingdom correctly observed, we are departing from the common practice and from rules 128 and 130 of the General Assembly's rules of procedure. Indeed, this morning that departure had already taken place, but it was not as a result of action undertaken by the Netherlands delegation.

As the Ambassador of the United Kingdom will recall, I was called upon to speak and from there we took it further. I had not chosen the right timing for my statement this morning. The reason I am interrupting now — and I apologize for interrupting the Ambassador of Australia — is that it seems to me that we have to look very closely at the way in which we proceed in our meetings. At the moment, it is my feeling that, by simply departing from common practice, we are also squandering time. We are losing time and we are going at less than even a snail's pace. This is my only concern.

If the United Kingdom wishes to explain its vote before the voting, that is also a very understandable concern, with which I fully sympathize. But all of this can be taken care of if we follow the procedures in the right manner. That is the point I wished to make, and of course, as I have said before, I am in the hands of the Chairman.

**The Chairman**: I call on the representative of Brazil on a point of order.

**Mr. Felicio** (Brazil): My delegation did not hear the Chairman call upon delegations to explain their votes before the voting. We therefore agree with the proposal of the representative of the United Kingdom that whoever wishes to do so should now be given the opportunity.

**The Chairman**: I call on the representative of Mexico on a point of order.

**Mr. de Icaza** (Mexico): I find myself in the most unusual situation of agreeing with Ambassador Ramaker. It has not happened in two years, and I am very glad to support him.

**The Chairman**: I call on the representative of India on a point of order.

**Ms. Ghose** (India): More unusual things are about to happen. I find myself agreeing with Ambassador Weston. I think that what we have just done is to take action on an amendment. Now we are going to take action on the draft resolution, together with an amendment that has been adopted.

My delegation has formally asked for a separate vote on operative paragraph 3 of the draft resolution and that is what I would like to have. I would like to have the opportunity to explain my vote on the draft resolution as a whole. I think that we are now considering draft resolution A/C.1/51/L.4/Rev.1, as amended. That is a separate action and every delegation therefore has the right to explain its vote before and after the voting, even after a separate vote has been taken on operative paragraph 3.

I think that this is not a question of breaking a rule. We are now voting on a draft resolution. We have not so far voted on it. Before we vote on the draft resolution, we do need an opportunity to explain our votes.

Having said that, I would like to reiterate that my delegation has formally requested the Secretariat for a separate vote on operative paragraph 3 of A/C.1/51/L.4/Rev.1.

**The Chairman:** I would propose that the Committee follow the established procedure, and I shall now call upon those delegations that wish to make statements in explanation of vote before the voting on draft resolution A/C.1/51/L.4/Rev.1.

**Mr. Campbell** (Australia): Australia will support draft resolution A/C.1/51/L.4/Rev.1 initiated by our southern-hemisphere neighbour, Brazil, because in our view it is consistent with Australia's position as a member of a nuclear-weapon-free zone and our long-standing support, reaffirmed in the context of last year's indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), for the creation of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the regions concerned.

We also support the draft resolution because it welcomes recent developments in relation to nuclear-

weapon-free zones, including the conclusion of the Treaties of Bangkok and Pelindaba, and because it looks towards further cooperation between southern-hemisphere and other States to advance the shared objectives of the various nuclear-weapon-free-zone treaties.

In our view, the draft resolution does not attempt formally to constitute a new legal entity as a southern-hemisphere nuclear-weapon-free zone, nor does it in any way erode existing rights under international law of freedom of navigation and overflight. It does not seek to extend the legal or geographic scope of existing nuclear-weapon-free zones. These factors were critical in determining Australia's support for this draft resolution.

We agree fully with the comments made by the representative of Brazil, Ambassador Amorim, when, in introducing the draft resolution, he said:

> "This draft resolution, of course, does not create new legal obligations. It does not contradict any norm of international law applicable to ocean space, such as the United Nations Convention on the Law of the Sea." *(A/51/C.1/PV.17, p. 2)*

**Sir Michael Weston** (United Kingdom of Great Britain and Northern Ireland): I have the honour to speak on behalf of France and the United States, as well as the United Kingdom, to explain our position on draft resolution A/C.1/51/L.4/Rev.1 on the so-called nuclear-weapon-free Southern Hemisphere and adjacent areas.

Our three delegations will vote "no" on the draft resolution. We regret this outcome. We have worked hard with the sponsors in a serious effort to persuade them to address our concerns, but we fear that, despite a number of amendments, the draft resolution remains unacceptable.

I wish to emphasize that our votes on this draft resolution should in no way be interpreted as calling into question the firm commitment of all of us to the Treaties of Tlatelolco, Rarotonga, Pelindaba and the Antarctic, nor do we have objections in principle to the establishment of new nuclear-weapon-free zones, which can make an important contribution to both regional and global security, provided that they are supported by all States in the region concerned and are embodied in appropriate treaties, including provision for full-scope International Atomic Energy Agency (IAEA) safeguards.

We have two fundamental objections to this draft resolution. The first concerns the concept of the entire Southern Hemisphere becoming a nuclear-weapon-free zone. Since all land territory in the Southern Hemisphere, with the exception of a few small islands, is already or soon will be covered by nuclear-weapon-free zones, the only new areas which such a zone could cover are the high seas. Many delegations assert that this is not the intention and point out that the draft resolution itself recalls the principles and norms of international law applicable to ocean space.

But if the new zone will not cover the high seas, what will it add to the existing zones? Numerous rounds of discussion with many of the sponsors have failed to provide an answer to this simple question. Thus, we are forced to be concerned that the true aim of some sponsors is indeed to create a new zone that covers international waters. Not only would such a step be unacceptable to our three countries; more importantly, it would be inconsistent with international law and should be unacceptable to all delegations which respect the law of the sea.

Our second fundamental problem concerns the references in the draft resolution to the Treaty of Bangkok. We are grateful for the improvements which have been made to the text so that the present draft resolution acknowledges the fact that our Governments, together with others concerned, are currently engaged in serious efforts to amend the Protocols in order to enable us to adhere to them. But it is self evident that, until agreement is reached on this, statements welcoming the Treaty or calling for its early ratification would be premature, since the Treaty itself has not yet been completed.

In addition to these two fundamental concerns, we have discussed with the sponsors a number of more detailed points which we considered necessary to make the draft resolution consistent with our positions on nuclear-weapon-free zones. Again, we regret that, in the event, most of these points have been ignored. One such point was the selective quotation in operative paragraph 3 from article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. It was because this was repeated in Pakistan's proposed amendment in document A/C.1/51/L.51 that our three delegations abstained in the voting on this amendment and will abstain in a separate vote on operative paragraph 3.

For these reasons, our delegations will vote against this draft resolution. We hope that other delegations which respect the law of the sea and recognize our genuine efforts to reach an agreement with regional States on the Treaty of Bangkok will accept the logic of our position and join us in a negative vote.

**Mr. Deimundo Escobal** (Argentina) (*interpretation from Spanish*): My delegation would like to comment on cluster 1 on nuclear weapons, in particular draft resolution A/C.1/51/L.4/Rev.1 entitled "The nuclear-weapon-free Southern Hemisphere and adjacent areas".

Argentina wishes to state that it is fully committed to the non-proliferation of nuclear weapons and the nuclear disarmament that this draft resolution seeks to advance by consolidating various nuclear-weapon-free zones established on the basis of arrangements freely arrived at among the States of the region concerned. We emphasize, as a member of the first denuclearized zone in the world, under the Treaty of Tlatelolco, that in the South Atlantic —

**The Chairman**: I call on the representative of the United Kingdom on a point of order.

**Sir Michael Weston** (United Kingdom): Forgive me for interrupting; but my understanding was that we were now in the stage of explanations of vote before the voting. It is my understanding that Argentina is a sponsor of the draft resolution in question and therefore should not be explaining its vote. Perhaps, Sir, you could explain where my thinking is awry.

**The Chairman**: I would like to ask the representative of Argentina whether he is going to explain his position or vote before a decision is taken or make some general comments.

**Mr. Deimundo Escobal** (Argentina) (*interpretation from Spanish*): There was a recent precedent. The representative of France has just spoken on the adoption of draft resolution A/C.1/51/L.46 on an international agreement to ban anti-personnel landmines and therefore my statement can be considered to be a general statement and not an explanation of vote. May I proceed on that understanding?

**The Chairman**: I call on the representative of France on a point of order.

**Mr. Rivasseau** (France) (*interpretation from French*): As the representative of Argentina has referred to my country, I would remind him that France carefully waited until the decision as a whole and all the explanations of vote had been completed before making a general statement. I also recall that there was nothing in that statement that could be taken as an explanation of vote. I simply referred to the path to be followed after the vote was taken. It was therefore a general statement and quite appropriate at that point. I just wanted this to be clear.

**The Chairman**: I call on the representative of Brazil on a point of order.

**Mr. Amorim** (Brazil): I would just like to comment on how interesting it is to see how selective people are in the application of the rules of procedure. In the previous debate, we heard the position of the United Kingdom and what its position is now in terms of selectivity in the question of how flexible one should be in the rules of procedure. On the other hand, I would also like to say that explanations of vote are one thing, but telling the story of these negotiations from only one angle is not a fair way to proceed in any case. Leaving aside the substance, we do not agree with the version that the United Kingdom presented of its efforts to come to an accommodation. It is just not true.

**The Chairman**: I would like to propose to the representative of Argentina that he make a general statement after the voting.

I call on the representative of Mexico on a point of order.

**Mr. de Icaza** (Mexico) (*interpretation from Spanish*): The delegation of Mexico does not, of course, propose to contradict your decision, Sir, but in future we will see to it that the rules are applied rigorously to all delegations, regardless of the region they belong to.

**The Chairman**: I feel the same way.

I call on the representative of Uruguay on a point of order.

**Mr. Alvarez** (Uruguay) (*interpretation from Spanish*): This delegation wishes to state that it carefully followed developments in the procedures relating to the adoption of draft resolution A/C.1/51/L.46. This delegation counted at least two countries sponsors of the draft resolution that explained their vote before the draft resolution in question was adopted.

We think that what is really distorting the voting procedure is the holding of a general debate before the adoption of every draft resolution. This procedure is not followed in any of the other Committees. Although it was applied at the last session, it did not distort the procedures. But we are now continuing to hear a general discussion on

each of the items after having heard a general thematic debate and comments on draft resolutions. There is no need for a general debate before the adoption of each draft resolution. This delegation has noted that this has really distorted the whole procedure and has made a mess of many of the procedures that are usually used for the adoption of decisions.

In our opinion, in this case, a precedent was set during the adoption of the draft resolution earlier when two sponsors were allowed to speak in the general debate or give an explanation of vote before the voting. Therefore, we believe that if we are going to apply the rules of procedure, they should be fully applied for all parties and without a general debate before the adoption of each draft resolution. We have wasted a lot of our time that way. This is the third meeting we have had to adopt draft resolutions and we have adopted considerably less than a third of the draft resolutions we are to adopt.

On that point, we hope that you, Sir, can clarify the adoption procedure in order to ensure that we do not have the same problem with the more controversial draft resolutions remaining. Unless you do, we will not have the chance to discuss them and adopt them in the correct manner.

**The Chairman** (*interpretation from Russian*): I would like to remind members that today's procedure for adopting decisions was established by them. I do not want a repetition of Monday's meeting, when we changed the proposals on procedure that were adopted on Thursday of last week. If we establish one system, then we must follow that system and not change the rules of procedure at every meeting or waste time on procedural issues.

I therefore propose that we act in accordance with the established procedure. Since we are now going to take a decision on draft resolution A/C.1/51/L.4/Rev.1, as amended, we will follow the procedure established. That procedure envisages that delegations have the right to explain their positions or votes before the adoption of the draft resolution. I now call on those representatives who wish to exercise that right.

**Ms. Ghose** (India): Unfortunately, there is now a parting of the ways with the Ambassador of the United Kingdom. However, with regard to this particular draft resolution — and in spite of the reservations and views which we expressed earlier when we were talking in the general debate on the issue of nuclear-weapon-free zones — we were generally in agreement with the draft resolution, as a whole.

However, today we have to make certain comments to explain our vote before the voting. I would first like to cite some of the reservations that we had, even with the unamended text.

First, we have reservations about the approach reflected in the first preambular paragraph, in which the prevention of proliferation would appear to be the primary means — according to the sponsors — of strengthening international peace and security. On the other hand, the elimination of weapons of mass destruction — particularly nuclear weapons — has not been referred to at all, except in a somewhat convoluted and oblique manner. This is the case in this paragraph, which refers to the process of general and complete disarmament under strict and effective international control, in particular in the field of nuclear weapons and other weapons of mass destruction. This is not an approach that we would normally have agreed with and we continue to have reservations on that.

We now have serious reservations about operative paragraph 3. The call on States to consider establishing nuclear-weapon-free zones, including in the region of South Asia, is not acceptable to us for the reasons stated earlier this afternoon. In addition, the objective mentioned in this paragraph to

"strengthen the nuclear non-proliferation regime"

is equally difficult to accept. As we have stated repeatedly, while we are in favour of nuclear non-proliferation, the present regime is unequal and flawed and we certainly cannot support strengthening it.

We have therefore called for a separate vote on operative paragraph 3 and will vote against that paragraph.

In view, however, of the fact that the sponsors have repeatedly emphasized that no new legal obligations are contained in this draft resolution, we will abstain in the voting on the draft resolution as a whole.

**The Chairman** (*interpretation from Russian*): I call on the representative of Argentina on a point of order.

**Mr. Deimundo Escobal** (Argentina) (*interpretation from Spanish*): I would like to note that I was interrupted in the middle of my statement and that the rules have been broken constantly in this Committee. My delegation was

not permitted to complete its statement. I would like to ask to be allowed to do so in order to express Argentina's view on the matter it was discussing.

**The Chairman** (*interpretation from Russian*): I would like once again to remind the representative of Argentina that we are now hearing statements in explanation of vote or position before the voting. Is he making a statement in explanation of position or a general statement?

**Mr. Deimundo Escobal** (Argentina) (*interpretation from Spanish*): It is a general statement.

**The Chairman** (*interpretation from Russian*): In that case, I would like to call on you after action is taken.

**Mr. Nsanze** (Burundi) (*interpretation from French*): My delegation has already had an opportunity to emphasize that any action in the right direction, however imperfect it may be, that helps us to move slowly but — we hope — surely towards the global objective of total and effective disarmament deserves our support.

I would like to say, moreover, that my delegation would also like to be a sponsor of this draft resolution and believes that peace throughout the world should be indivisible. Even if Burundi is not an integral part of what, in the political sense, is called the "Southern Hemisphere", it goes without saying that, when any part of Earth is affected, this constitutes a breach of peace and therefore an impediment in our movement towards the ultimate objective.

In order to promote that principle, which we have set forth on many occasions, my delegation supports the sponsors and will of course vote in favour of the draft resolution. However, we would like to emphasize that the draft resolution is far from perfect. We must be satisfied, in the absence of any ideal solution, with these slow but positive steps, which will, in the final analysis, lead to the objective for which the world longs.

**The Chairman**: We shall now take action on draft resolution A/C.1/51/L.4/Rev.1, as amended. A separate vote has been requested on paragraph 3.

I call on the Secretary of the Committee to conduct the voting.

**Mr. Lin Kuo-Chung** (Secretary of the Committee): Draft resolution A/C.1/51/L.4/Rev.1, entitled "The nuclear-weapon-free Southern Hemisphere and adjacent areas", was introduced by the representative of Brazil at the 17th meeting of the Committee on 7 November 1996. In addition to those sponsors listed in the draft resolution and in document A/C.1/51/INF.3, it is sponsored by Belize.

A separate vote has been requested on paragraph 3.

*A recorded vote was taken.*

*In favour*:

Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, Germany, Ghana, Guatemala, Guyana, Haiti, Honduras, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kazakstan, Kuwait, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Russian Federation, Samoa, Saudi Arabia, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Zaire, Zambia, Zimbabwe

*Against*:

India

*Abstaining*:

Andorra, Antigua and Barbuda, Armenia, Belgium, Brunei Darussalam, Bulgaria, Burkina Faso, Colombia, Cuba, Cyprus, Czech Republic, Denmark, Eritrea, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Iran (Islamic Republic of), Israel, Kenya, Kyrgyzstan, Lithuania, Luxembourg, Mauritius, Myanmar, Netherlands, Norway, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

***Paragraph 3 was retained by 100 votes to 1, with 43 abstentions.***

**The Chairman:** The Committee will now take a decision on draft resolution A/C.1/51/L.4/Rev.1, as a whole, as amended.

A recorded vote has been requested.

I call on the Secretary of the Committee to conduct the voting.

**Mr. Lin Kuo-Chung** (Secretary of the Committee): The Committee will now proceed to take action on draft resolution A/C.1/51/L.4/Rev.1, as a whole, as amended.

*A recorded vote was taken*

*In favour*:

Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Ireland, Jamaica, Jordan, Kazakstan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Samoa, Saudi Arabia, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe

*Against*:

Canada, France, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining*:

Andorra, Armenia, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Greece, Hungary, Iceland, India, Israel, Italy, Japan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Mauritius, Netherlands, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Turkey

*Draft resolution A/C.1/51/L.4/Rev.1, as a whole, as amended, was adopted by 111 votes to 4, with 36 abstentions.*

**The Chairman:** I now call on those representatives who wish to explain their vote or position on draft resolution A/C.1/51/L.4/Rev.1.

**Mr. Sha Zukang** (China) (*interpretation from Chinese*): The Chinese delegation voted in favour of draft resolution A/C.1/51/L.4/Rev.1, entitled "The nuclear-weapon-free Southern Hemisphere and adjacent areas". We did so because, first, China has consistently supported efforts by the non-nuclear-weapon States to establish nuclear-weapon-free zones in accordance with the specifics of their regions and on the basis of voluntary consultations and voluntary agreement. We also believe that this is important for the cause of nuclear disarmament and the prevention of nuclear proliferation.

Secondly, the Chinese Government has signed and ratified Protocols I and II of the Treaties of Tlatelolco and Rarotonga, to which the draft resolution refers; and undertaken the corresponding legal obligations. This year, we also signed the relevant protocols of the Pelindaba Treaty.

Thirdly, although China has not yet signed the relevant protocols of the Treaty of Bangkok, China, on the basis on its consistent, principled position, supports efforts for the establishment of that nuclear-weapon-free zone. China hopes that the countries of that proposed nuclear-weapon-free zone will work together with China towards an early and just resolution of issues relating to the geographical scope of Chinese territory so as to create conditions in which China can sign the relevant protocols.

The Chinese delegation took note of the position enunciated in the statement made by the sponsors of the draft resolution on 7 November 1996, when it was introduced in the First Committee, to the effect that this draft resolution does not create new legal obligations or contradict any norm of international law applicable to ocean spaces, such as the United Nations Convention on the Law of the Sea.

I take this opportunity to stress that this position is consistent with the understanding of the Chinese delegation. At the same time, we believe that the geographical delineation of the nuclear-weapon-free zones has always been an important and sensitive issue. When it involves countries outside the zones, full consultations must be carried out with such countries in order to seek an appropriate resolution of the relevant issues in strict respect for the sovereignty and territorial integrity of countries outside the zones.

On the basis of those considerations, the Chinese delegation voted in favour of draft resolution A/C.1/51/L.4/Rev.1 on a nuclear-weapon-free Southern Hemisphere, and adjacent areas.

**Mrs. Kurokochi** (Japan): I should like to explain Japan's abstention on the vote on the draft resolution contained in document A/C.1/51/L.4/Rev.1, entitled "The nuclear-weapon-free Southern Hemisphere and adjacent areas". Japan reaffirms the conviction, as stated in the principles and objectives for nuclear non-proliferation and disarmament, adopted at the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements clearly arrived at by the States of the region concerned, enhances global and regional peace and security.

Japan therefore welcomes the establishment of a nuclear-weapon-free zone as a contribution to nuclear non-proliferation, as long as it is based on appropriate requirements, such as the agreement of the States concerned, including the nuclear-weapon States, and is consistent with principles of international law.

In this regard, Japan has been paying particular attention to recent developments concerning nuclear-weapon-free zones in the Southern Hemisphere. We understand that this draft resolution not only encourages the development of each nuclear-weapon-free zone, but also introduces a new concept of the nuclear-weapon-free Southern Hemisphere as a whole. We believe that the draft resolution should clearly state, in particular, its relation to principles of international law applicable to ocean space, including the freedom of the high seas. Taking into account the fact that it does not reflect our proposed amendments, including those relating to the considerations that I have outlined, we decided to abstain on the draft resolution.

**Mr. Yativ** (Israel): Israel abstained in the voting on draft resolution A/C.1/51/L.4/Rev.1. Israel's position on nuclear-weapon-free zones is well known. Each region, by agreement among all its States and in accordance with its own political and security situation, should freely negotiate the establishment of a zone when all members of the region find it appropriate. Therefore, Israel would like to register its reservation on the fourth preambular paragraph of the draft resolution, which singles out the region of the Middle East as a region of tension.

**Mr. Bjarme** (Sweden): I have asked to speak in explanation of my delegation's vote on draft resolution A/C.1/51/L.4/Rev.1 on the nuclear-weapon-free Southern Hemisphere and adjacent areas. My delegation voted in favour of the draft resolution because of its support for its general thrust. However, it did so on the understanding that the draft resolution is without prejudice to the body of principles governing the law of the sea.

**Mr. Pham Quang Vinh** (Viet Nam): Before the Committee took action, my delegation had intended to seek clarification from the Chairman as to whether it could speak, given its sponsorship of draft resolution A/C.1/51/L.4/Rev.1, because the text had been amended. However, we refrained from doing so.

My delegation is one of the original sponsors of A/C.1/51/L.4/Rev.1 and I thank Brazil for its efforts regarding the draft resolution. However, my delegation's sponsorship of the draft resolution does not mean that it also sponsors the amendment to it. I wanted to register that position, because my delegation abstained in the voting on paragraph 3, which was retained earlier.

**Mr. Berguño** (Chile)(*interpretation from Spanish*): As members are aware, Chile has from the outset been a sponsor of draft resolution A/C.1/51/L.4/Rev.1, initiated by Brazil. It was therefore not appropriate for us to explain our position. However, given the fact that the rules of procedure have been applied selectively, the circumstances that have arisen out of the debate on the issue lead us to explain one essential element of our position.

We deeply regret the negative votes and abstentions of friendly countries and, even more, the justification that they have given in their explanations of vote. In reiterating that the draft resolution does not change the legal obligations flowing from the Convention on the Law of the Sea, we would place on record the fact that that Convention authorizes only peaceful uses in the economic zones of the high seas and international waters.

**Mr. Moradi** (Islamic Republic of Iran): My delegation supported draft resolution A/C.1/51/L.4/Rev.1. However, we abstained in the voting on operative paragraph 3 because we do not subscribe to the concept of the nuclear non-proliferation regime. That concept should have been reformulated in a way that limits it only to existing disarmament and arms-control treaties.

I should also like to express our reservations with regard to the fourth preambular paragraph and to the phrase "especially in regions of tension". A more appropriate alternative phrase is "regions under the threat of nuclear weapons".

**The Chairman:** I call on the representative of Argentina to make a general statement, as requested earlier.

**Mr. Deimundo Escobal** (Argentina)(*interpretation from Spanish*): Seven representatives have spoken since I was interrupted and not allowed to finish my statement. The Argentine delegation has no intention of speaking now but reserves the right to speak at the Committee's next meeting.

**The Chairman:** I call on the representative of Mexico on a point of order.

**Mr. de Icaza** (Mexico)(*interpretation from Spanish*): My delegation would like to ask the Chairman a favour. Tomorrow, when we meet, the delegation of Mexico would like the Chairman to inform us what rules of procedure we will be following with regard to times for general statements, explanations of vote, voting, explanations of vote following the voting and so on.

We would like to be quite clear as to what rules will apply so that we do not have a situation like the one that arose today. My delegation wishes to register a protest at the selective and discriminatory way in which the debates have been conducted.

**The Chairman:** I call on the representative of Egypt to make a statement.

**Mr. Abdel Aziz** (Egypt): I wish to announce, on behalf of the sponsors, that there is a minor change in the thirteenth preambular paragraph of draft resolution A/C.1/51/L.43, "Prevention of an arms race in outer space."

The words "including the weaponization of outer space" should be added to the end of the paragraph. The thirteenth preambular paragraph as a whole should therefore read as follows:

> "*Convinced* that further measures should be examined in the search for effective and verifiable bilateral and multilateral agreements in order to prevent an arms race in outer space, including the weaponization of outer space,".

Of course, we approached the Secretariat in an attempt to have a revised version issued, but, in view of the drastic financial situation, we were advised to make our revision orally. I take it, therefore, that members of the Committee have hereby been duly informed so that, when we proceed to take a decision on this draft resolution, the revision will be taken into consideration.

*The meeting rose at 1.20 p.m.*